

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ARRELLO BARNES

Plaintiff,

**9:15-cv-777
(GLS/DEP)**

v.

**ANTHONY ANNUCCI, Acting
Commissioner *et al.***

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

ARRELLO BARNES
00-A-0957
Southport Correctional Facility
P.O. Box 2000
Pine City, New York 14871

FOR THE DEFENDANTS:

HON. ERIC T. SCHNEIDERMAN
New York State Attorney General
The Capitol
Albany, New York 12224

COLLEEN D. GALLIGAN
Assistant Attorney General

**Gary L. Sharpe
Senior District Judge**

ORDER

The above-captioned matter comes to this court following a Report

and Recommendation by Magistrate Judge David E. Peebles, duly filed on August 10, 2016. (Dkt. No. 56.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed¹, and the court having reviewed the Report-Recommendation for clear error, it is hereby

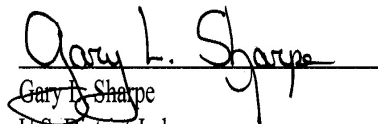
ORDERED that the Report and Recommendation (Dkt. No. 56) is **ADOPTED** in its entirety; and it is further

ORDERED that defendants' motion to revoke plaintiff's IFP status and conditionally dismiss the complaint in this matter, (Dkt. No. 30), is **DENIED**; and it is further

ORDERED that the clerk of the court serve a copy of this order upon the parties in accordance with this court's Local Rules.

IT IS SO ORDERED.

September 7, 2016
Albany, New York



Gary L. Sharpe
U.S. District Judge

¹ On August 29, 2016, plaintiff filed a letter advising the court that he does not have any objections to the Report-Recommendation. (Dkt. No. 59.)